



Department
for International
Development



Making the case for conflict sensitivity in security and justice sector reform programming

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Date:
22nd March 2013

Practice Products for the CCVRI

Improving Measurement in DFID Crime, Conflict & Violence Programming

This document is one of a series of Practice Products developed under the **Conflict, Crime, and Violence Results Initiative (CCVRI)**. The full set of products is intended to support DFID country offices and their partners to develop better measures of programme results in difficult conflict and fragile environments.

DFID recognises the need to focus on the **results** of its work in developing countries. To this end, DFID strives to account better for our efforts on behalf of UK taxpayers, offering clarity regarding the value and impact of our work. The Results Initiative operates under the assumption that we will achieve our development objectives with our national partners more effectively if we generate—collectively—a clear picture of the progress being made.

Within DFID, the Conflict Humanitarian and Security Department has established a partnership with a consortium of leading organisations in the fields of conflict, security and justice to develop more effective approaches to the use of data in the design, implementation and evaluation of programmes that contribute to reducing conflict, crime and violence.

In addition to producing these Practice Products, the consortium has established a Help Desk function to provide direct and customized support to country offices as they endeavour to improve measurement of results in local contexts.

The Help Desk can be accessed by contacting helpdesk@smallarmsurvey.org.

The views expressed in this Practice Product are the sole opinions of the authors and do not necessarily reflect the opinions of all consortia partners. This Practice Product does not reflect an official DFID position.

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Document Summary

Title:

Making the case for conflict sensitivity in security and justice sector reform programming

Purpose and intended use of this document:

The purpose of this paper is to highlight the need for conflict sensitivity in security and justice sector reform (SJSR) programming. It is intended to help those involved in designing or implementing SJSR programming understand how conflict sensitivity could ensure their programming avoids inadvertently contributing to conflict.

Note – while this document is in the CCVRI series it does *not* give guidance on measuring results of conflict sensitivity in SJSR programming.

Key questions this document addresses:

What is conflict sensitivity and why is it relevant to SJSR programming?
How might SJSR programming become inadvertently caught up in conflict dynamics?
What tools are available to enable conflict sensitivity in SJSR programming?

Key messages/essential “take aways”:

All interventions introduce resources into a context, be they equipment, funding, training or process enhancement. All resources coming into a conflict context have the potential to become caught up in the conflict dynamic, and thus no intervention is neutral. Unless there is specific analysis of how any type of intervention may inadvertently contribute to tensions there is a real risk that conflict or tensions may escalate – this applies to SJSR programming as well as any other type of intervention in a fragile and conflict affected state.

Support to the security and justice sector can contribute to tensions by:

- inadvertently replicating or amplifying existing tensions;
- reinforcing patterns of domination and exclusion – often causes of conflict;
- Introducing resources which then become the focus of a struggle for control;
- Challenging power and vested interests triggering a violent backlash.

Additionally, for the security and justice sectors the potential exists that skills, facilities, processes or hardware may be misused and promote conflict or violence.

There are a range of tools that have been developed to enable conflict sensitivity in the development and humanitarian sector. Key to these are:

- Conflict analysis;
- Identification of possible interactions between programming and conflict; and
- Revision of programming in light of that analysis.

These are also applicable to SJSR programming.

Intended audience of this document (including assumed skill level):

The intended audience of this paper are people involved in SJSR programming. They do not need any specific skill levels in understanding conflict, as basic terms are defined in this document.

Key topics/tags:

Conflict sensitivity

Conflict sensitivity in security and justice sector reform programming

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Cross-references to other documents in the series:

Goldwyn, R., and Chigas, D., (2013) *Monitoring and evaluating conflict sensitivity – methodological challenges and practical solutions*

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1 Introduction - A not unusual programming story....

Guatemala – police development project

A police development project, concentrating on training, sought to strengthen the Guatemalan police's recruitment and selection of its personnel, by standardising its policies and procedures. The standards were set by police authorities including:

- Minimum height;
- Spanish literacy.

These standards were not questioned by those who designed or implemented the programme. The unintended consequence was that almost all Mayans were excluded from serving in the police, as they could not fulfil these requirements.

The exclusion of Mayans from the police resulted in:

- An unrepresentative police force;
- Great difficulty with police being able to provide safety and security within Mayan communities, given that the police did not speak Mayan;
- Reinforcing Mayan marginalisation.

While there has been no empirical work to ascertain the precise consequences of this seemingly objective recruitment and selection process, its effect decreased Mayan access to justice, safety, and security and inadvertently contributed to increased tensions between communities.

As the case above highlights, there can be unintended consequences of programming which contribute to, or increase the likelihood of, tensions or conflict. This has been widely acknowledged in the development and humanitarian sector, and led to the development of the concept of '**conflict sensitivity**'. The purpose of this paper is to highlight the need for conflict sensitivity in security and justice sector reform (SJSR) programming.

2 Conflict sensitivity – what is it?

A useful place to start is to clarify some assumptions, in particular what is meant by some key terms.

“Conflict is a relationship between two or more parties (individuals or groups) who have, or think they have, incompatible goals”

Source: Fisher, S., et al (2000) *Working with Conflict – Skills and strategies for action* New York: Responding to Conflict & Zed Books p. 4

Conflict is not exclusively the ‘meta’ political, but also the operating environment at a range of different levels, from the macro down to the micro. Note that conflict is not the same as violence; conflict is a social process that is part of change, and can be positive or negative. **Violence** is defined as:

“The intentional use of physical force or power, threatened or actual, against oneself, another person or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation”

Source: Krug, E., et al., eds. (2002) *World Report on Violence and Health* Geneva: WHO

Violence takes many different forms, for example physical assault, damage to property, forced assets transfers, intimidation, and insulting behaviour.

Conflict sensitivity is a set of processes that help us recognise the unintended ways our work can contribute to violent conflict. It involves understanding the conflict (a conflict analysis), assessing how programming interacts with the conflict (a two-way dynamic), and revising programming in light of this knowledge.

Conflict sensitivity is concerned with conflict across all levels – from the macro level down to the community level. A significant body of literature now exists explaining conflict sensitivity and how to apply it¹. DFID is committed to being conflict sensitive – as noted in the Policy Paper, “Preventing Violent Conflict” (2010).²

¹ See for instance: The Conflict Sensitivity Consortium (2012) *How to guide to conflict sensitivity* <http://www.conflictsensitivity.org/content/how-guide>

And also the companion guide in the CCVRI series: Goldwyn, R., and Chigas, D., (2013) *Monitoring and evaluating conflict sensitivity – methodological challenges and practical solutions*

² The paper states that “We will ensure that development work takes better account of its possible effect on conflict,” including in countries in that are not currently affected by violent conflict. DFID (2010) *Preventing Violent Conflict - Policy Paper* London: DFID p. 28

3 Conflict sensitivity and security and justice sector reform programming

3.1 Is conflict sensitivity needed for security and justice sector reform programming?

Security and Justice Sector Reform (SJSR) programming encompasses a broad spectrum of work seeking to review and enhance the effectiveness and accountability of security and justice providers, often in fragile and conflict affected states. Conflict sensitivity does not appear to have been widely taken up in the SJSR sector. Why is this?

It may be that some security and justice sector specialists assume that they are automatically conflict sensitive, as security and justice reform is usually framed as transforming a key driver of conflict, i.e. that SJSR inherently contributes to peace. However this is not necessarily the case. Unless there is a specific analysis of how any type of intervention may inadvertently contribute to tensions there is a real risk that conflict or tensions may escalate.

There may be an assumption that an intervention is neutral, i.e. that it will not interact with existing conflict in any way. Experience from the development and humanitarian sector is that no intervention is neutral in a conflict context – all interventions provide some new resources, be they equipment, funding, training or process enhancement and any resources coming into a conflict context have the potential to become caught up in the conflict dynamic. Even training has conflict sensitivity repercussions, for example: who selects and who is chosen? What additional power do the newly trained wield? And further, all interventions convey some implied messaging which can either reinforce conflict or peace. For instance when a security policy involves the removals of expatriate staff and removal of vehicles and radios but leaves behind local staff, the message is sent that some lives (and some goods) are more valuable than other lives. This mirrors the behaviour of warring parties – in conflict some people rise above the law and others fall below it, there is a different value for different lives.

3.2 How can security and justice sector reform programming inadvertently exacerbate conflict?

Kosovo – justice and police reform programming

In Kosovo, international assistance to the development of effective justice and police institutions had good effects; the performance of these institutions improved according to well-accepted indicators. However, cultural norms and pressure on Kosovo Albanians not to testify against members of their own group meant that more Serbs were being convicted than Albanians, contributing to a wider increase in tensions. Disaggregation of conviction rates might have flagged this issue early on and, therefore, enabled international assistance to act in ways that might have remedied the issue.

Support to security and justice sector institutions can contribute to wider tensions by inadvertently *replicating or amplifying existing tensions*. An intervention may not directly cause an act of violence or outbreak of tension, but certain elements of an otherwise successful intervention can contribute to existing causes and drivers of conflict.

Supporting the security and justice sectors can contribute to tensions by *reinforcing patterns of domination and exclusion* – often causes of conflict. Personnel and leadership in the security &/or justice sector may be drawn from one powerful group, who may act in a biased or discriminatory way. If programming enhances the capacity of either sector without making it more representative, programming can further enflame perceptions of exclusion. There may be a legacy of violence in a

struggle to assert control over these key institutions. This can be seen in the Guatemala example in section 1 above.

The *struggle for control over resources* is often a key cause and sustaining factor in conflict. Most interventions introduce new resources, which can trigger contests for power to control resources, and become entangled in corruption and patronage systems which maintain systems of domination and exclusion and sources of grievance.

For the security and justice sectors the potential exists that *skills, facilities, processes or hardware may be misused and promote conflict or violence*. Security institutions, civilian and military police, can be a source of insecurity or threat in conflict affected, post-conflict, and fragile environments. Improving the operational capacity of security institutions can unintentionally result in creating greater opportunities for these same institutions to prey on the communities they are meant to serve.

Any interventions which *challenge power and vested interests* have the potential to result in a violent backlash. Working in sensitive areas, such as justice reform, has the potential to trigger conflict, particularly when there is a legacy of violence over the form and administration of justice. Similarly security actors often profit from situations of conflict and may have a significant role in the economy, interventions that challenge these extraordinary profits may not only be unsuccessful, they may also trigger conflict.

4 Conflict sensitivity and security and justice sector reform – what tools do we have?

The purpose of this paper is to highlight the need for conflict sensitivity in SJSR programming. There already exist a range of sound, tested tools and fundamental principles to enable conflict sensitivity which are widely applied in the development and humanitarian sector. Further research is needed to identify if / how these approaches need to be adjusted to tailor them to the SJSR sector, however there are some basic fundamentals that are an excellent place to start.

4.1 Conflict analysis

Conflict analysis lies at the heart of conflict sensitivity. Conflict analysis involves the assessment of:

- Conflict causes;
- Actors in conflict;
- History and fixed elements – such as location of populations;
- Dynamic changes in the conflict.

There are a range of different tools for conflict analysis, DFID formerly used the Strategic Conflict Assessment (SCA) and now is shifting into the Joint Assessment of Conflict (JACs).

Security and justice programming in DFID is obliged to undertake a political economy analysis (PEA), conflict analysis is optional and is undertaken by different technical specialists. While the PEA covers much relevant information to a conflict analysis, PEA is not the same as conflict analysis. In Nepal PEA and SCA were combined. The SCA (2002) led to significant re-design of programme, and then PEA and SCA were used together in 2008 “to think about how they can most effectively support the emerging political settlement, economic development and state-building, without re-igniting the conflict”³. Benefits were derived from integrating conflict analysis into PEA.

4.2 Identifying unintended consequences

The language of ‘unintended consequences’ is increasingly being applied in security and justice sector reform programming, and this has been linked to an increasing focus to develop better assumptions in log frames. Conflict sensitivity can fit well with the notion of ‘unintended consequences’ as it relates to the unanticipated and unintended outcomes of programming. However with conflict sensitivity we are concerned specifically with unintended outcomes that have can escalate violence or tensions, whereas the use of the term ‘unintended consequences’ in security and justice reform programming has been applied to any unintended result, not just conflict-related ones.

There already exist risk management processes in SJSR programming, and these can be a useful entry point for conflict sensitivity. However conflict sensitivity is a broader concept than risk management, in particular conflict sensitivity refers to understanding the *two way interaction* between an intervention and its conflict context – not only the risks to the intervention from the conflict, but also *the risks to the conflict from intervention*.

Building on the conflict analysis, conflict sensitivity involves **critically reviewing all elements of an intervention, to determine plausible outcomes of how it may inadvertently interact with violent conflict**. There are a range of tools to do this, for instance the ‘Do No Harm’ framework⁴, which involve

³ DFID (2009) *Political Economy Analysis – How to Note* p18

⁴ The Do No Harm framework is a particular methodology to enable conflict sensitivity. It is the most widely applied methodology in the development and humanitarian sector. For more information see <http://www.cdainc.com/dnh/docs/DoNoHarmHandbook.pdf>

analysis of all the different parameters of an intervention –, this includes those who are implementing the work, but also the nature of the work itself – what activities are involved, when they will be done, who will benefit and who will not benefit. It focusses in particular on resources that will be transferred through the intervention (tangible as well as intangible ones such as knowledge and prestige) and the implicit messaging that is conveyed through the intervention such as tacit endorsement of actors by working with them.

Following are some helpful questions to consider exploring where an intervention may be interacting with conflict. This is *not* the sum total of being conflict sensitive, but a useful starting point to help think about unintended interactions of SJSR programming with conflict.

Table 1 *Conflict sensitivity checklist for security and justice sector reform programming*

flashpoint	Questions to consider conflict sensitivity
Command and control	<p>What is the minimum threshold of command and control and accountability for this intervention? Does this influence sequencing or mix of interventions?</p> <p>How might command and control be inadvertently affected by this intervention (including non-state armed actors)? <i>For example undermining gang leadership could result in splintering gangs, weakening command and control, more arms proliferation and more violence.</i></p> <p>How might weaknesses in command and control result in further tensions or violence through the resources introduced by this intervention? <i>For example might new equipment be used to extort funds from communities?</i></p>
Civilian oversight	How might weaknesses in civilian oversight of the security sector inadvertently result in further tensions or violence through the resources introduced by this intervention?
Exclusion	Could the intervention feed into patterns of domination and exclusion, or perceptions of discrimination? <i>For example the security / justice sector could be drawn from one dominant ethnic group, enhancing their capacities not only reinforces domination / exclusion but implicitly condones it.</i>
Political settlements	<p>How stable is the ceasefire or peace deal? If peace breaks down what are the risks of hardware being looted by one side and used abusively?</p> <p>Could demobilisation programmes actively undermine public trust in, and recourse to, nascent security and justice institutions, resulting in more vigilante violence? <i>For example does the political settlement have provisions for employing former combatants in security and justice institutions as part of a demobilisation programme? What impact will this have on the functioning of / trust in these nascent institutions?</i></p>
Motivations	<p>What is the intent of the target actors in this intervention – do they seek to promote community safety and security or are they pursuing other agendas that contribute to tensions or conflict?</p> <p>How might corrupt practices undermine the intervention and could this create vulnerability or tension?</p> <p>How ready are relevant actors to this intervention to mobilise for violence if they do not benefit according to their desires?</p>
Vulnerabilities	Could any new vulnerabilities be created through this intervention?
Durability of a ceasefire / peace settlement	<p>What would happen if a ceasefire / political settlement broke down?</p> <p>How might an intervention’s hardware, skills, processes and facilities be misused by one party to the conflict?</p>
Theory of change	<p>Are the assumptions underpinning this intervention appropriate to this context (what worked in one context may not work well in another)?</p> <p>Is a top-down (state led) intervention appropriate – or is a bottom up (community led) intervention more appropriate?</p>
Tipping point	What is the tipping point at which a decision not to proceed must be taken (the best technical option may not be political feasible)?
Location	Is the intervention operating in disputed geographical areas?

4.3 Revising programming in light of this knowledge

Options always exist. With a better understanding of possible interactions with conflict, programming can be revised to avoid contributing to violent conflict, and to find ways to contribute to peace – without changing the intent of the intervention.